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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
NGUYEN, DUC M	

ART UNIT	PAPER NUMBER
2618	

DATE MAILED: 11/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/672,030	KAMINSKY, DAVID L.	
	Examiner	Art Unit	
	Duc M. Nguyen	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 September 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This action is in response to applicant's response filed on 9/19/06. Claims 1-9 are now pending in the present application. **This action is made final.**

Response to Arguments

1. Applicant's arguments filed 9/19/06 have been fully considered but they are not persuasive.

In the response filed on 9/19/06, page 5, Applicant contends that

"Applicant respectfully submits that the wireless model 209 is not a wireless computer network adapter, as recited in claim 5. On the contrary, Flint is silent with regard to a wireless computer network. Referring to Fig. 6 and column 5, lines 19-29, feature 300 is described as a "hand-held unit" (i.e., a handset from which voice calls can be received), which is not comparable to another computer within a computer network. Therefore, Flint fails to identically disclose the claimed invention, as recited in claim 5, within the meaning of 35 U.S.C. § 102".

In response, the examiner asserts that Flint does not silent with regard to a wireless computer network. In fact, Flint does teach a wireless computer network (see title and col. 2, lines 27-47), wherein the "computer" terminology is used several times. In particular, Fig. 3 clearly show a computer integrated with the base of a cordless phone while Fig. 4 show a hand-held computer integrated with the handset of a cordless phone. Further, the rejection is based on Fig. 5. However, the argument is based on Fig. 6, col. 5, lines 19-29. Even thought, just for a sake of arguments, since the "hand-

held unit" is a hand-held computer integrated with the handset of a cordless phone, the handset from which voice calls can be received is an inherent feature of the "hand-held unit" and does not imply that the "hand-held unit" is not a computer. Therefore, Flint clearly discloses the claimed invention, as recited in claim 5, within the meaning of 35 U.S.C. § 102".

In the response filed on 9/19/06, page 6, Applicant contends that

"Applicant respectfully submits that the wireless circuit TC 1 is not a wireless computer network adapter, as recited in claim 5. Upon reviewing the teachings of Nishimura, it is readily apparent that Nishimura is unrelated to a wireless computer network or an adapter for a wireless computer network. Instead, Nishimura is directed to a phone receiver A and a master computer unit B, and Nishimura is completely silent as to the wireless circuit TC 1 within the phone receiver A being used as an adapter for a wireless computer network. Therefore, Nishimura fails to identically disclose the claimed invention, as recited in claim 5, within the meaning of 35 U.S.C. § 102".

In response, the examiner asserts that phone receiver A does comprises a computer circuit (see Abstract regarding "the wireless phone receiver comprising a computer circuit for processing data as a computer" and Fig. 4(a) regarding DISP1 and KEY1 references for the phone receiver A, for which those components clearly provides features of a "computing device"). Therefore, the wireless communication between the phone receiver A and the master computer unit B would read on a "wireless computer network" as claimed. Therefore, Nishimura clearly discloses the claimed invention, as recited in claim 5, within the meaning of 35 U.S.C. § 102.

In the response filed on 9/19/06, page 7, Applicant contends that

"Features 29, 38, and 41 are described by Carey as a data interface circuit 29 and RF modulators 38 and demodulators 41. Notwithstanding these teachings, Carey is silent as to these features being adapters for a wireless computer network. Thus, even if one having ordinary skill in the art were motivated to modify Carey in view of Sharma, the claimed invention, as recited in claims 1 and 8-9, would not result. Applicant, therefore, respectfully solicits withdrawal of the imposed rejection of claims 1 and 8-9 under 35 U.S.C. § 103 for obviousness based upon Carey in view of Sharma".

In response, the examiner asserts that although Carey teaches that the mobile device is configured to transmit/receive high speed data through a display/keypad or external port (see col. 10, lines 53-61) and is silent with a computer, it is noted that combining a phone system with a computer is well known in the art as disclosed by **Sharma** (see Fig. 3 and col. 8, line 1 – col. 9, line 60). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide the above teaching Sharma to Carey for integrating a computer circuit to the mobile set in Carey as well, for utilizing advantage of a computer circuit such as large key boards or graphic user interfaces for phone calls (see Fig. 2 in **Sharma**). In addition, just for a sake of arguments, the "data processor/interface" of the cordless phone in Carey would read on a "computer" with the broadest reasonable interpretation regarding the definition of a "computer device" in general.

As to Applicant's argument regarding the combination of Carey and Flint, the examiner's arguments regarding Carey and Sharma combination as set forth above would apply equally well for Carey and Flint combination.

For foregoing reasons, the examiner believes that the pending claims, which rely on the patentability of a wireless computer network adapter, are not allowable over the cited prior art. Accordingly, the rejection from the previous Office Action is repeated below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim **5** is rejected under 35 U.S.C. 102(b) as being anticipated by **Flint** (US Pat. Number **5,825,353**).

Regarding claim **5, Flint** discloses an integrated computer telephony system comprising:

at least one computer participating in a wireless computer network (see Figs. 4-5);

a cordless phone base station bound to a telephone outlet through a cabled connection (see Fig. 5 and col. 5, line 44 – col. 6, line 8), and,

a wireless computer network adapter (Wireless Modem 209) and cordless handset circuit (Audio SP 42) both disposed in said at least one computer and

configured to share common computing resources (processor 2) within said at least one computer, said wireless network adapter establishing and maintaining data communications in said wireless network, said cordless handset circuit establishing and maintaining cordless telephony with said cordless phone base station (see Fig. 4 and col. 5, line 44 – col. 6, line 8).

4. Claim **5** is rejected under 35 U.S.C. 102(b) as being anticipated by **Nishimura** (US Pat. Number **4,661,659**).

Regarding claim **5, Nishimura** discloses an integrated computer telephony system comprising:

at least one computer participating in a wireless computer network (see Figs. 4a-4b);

a cordless phone base station bound to a telephone outlet through a cabled connection (see Fig. 4b), and,

a wireless computer network adapter (wireless circuit TC1) and cordless handset circuit (SP & MIC) both disposed in said at least one computer and configured to share common computing resources (computer circuit CC1) within said at least one computer, said wireless network adapter establishing and maintaining data communications in said wireless network, said cordless handset circuit establishing and maintaining cordless telephony with said cordless phone base station (see Fig. 4a and col. 4, lines 3-28).

Claim Rejections - 35 USC ∋ 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims **1, 8, 9** are rejected under 35 U.S.C. 103(a) as being unpatentable by **Carey** (US 5,005,183) in view of **Sharma** (US **5,452,289**).

Regarding claims **1**, **Carey** discloses a data processor integrated cordless phone (see Fig. 2 and col. 8, lines 16 – col. 11, line 8) comprising a cordless handset transceiver (modulator 19 and demodulator 27) configured for coupling to an antenna (23) shared with a wireless network adapter (see references 38, 41 and 29) through a multiplexer/demultiplexer (21, 25) so that both of said cordless handset transceiver and said wireless network adapter transmit and receive data within a common wireless frequency spectrum (see col. 4, lines 5-12 and col. 5, lines 2-25).

Here, although Carey teaches that the mobile device is configured to transmit/receive high speed data through a display/keypad or external port (see col. 10, lines 53-61) and is silent with a computer, it is noted that combining a phone system with a computer is well known in the art as disclosed by **Sharma** (see Fig. 3 and col. 8, line 1 – col. 9, line 60). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide the above teaching Sharma to Carey for integrating a computer circuit to the mobile set in Carey as well, for utilizing advantage

of a computer circuit such as large key boards or graphic user interfaces for phone calls (see Fig. 2 in **Sharma**).

Regarding claims **8-9**, the claims are interpreted and rejected for the same reason as set forth in claim 1 above. In addition, it would have been obvious to use a graphic user interface for conducting phone calls as disclosed by **Sharma** (see Fig. 2).

7. Claims **1-7** are rejected under 35 U.S.C. 103(a) as being unpatentable by **Carey** (US **5,005,183**) in view of **Flint** (US **6,289,213**).

Regarding claim **1**, **Carey** discloses a data processor integrated cordless phone (see Fig. 2 and col. 8, lines 16 – col. 11, line 8) comprising a cordless handset transceiver (modulator 19 and demodulator 27) configured for coupling to an antenna (23) shared with a wireless network adapter (see references 38, 41 and 29) through a multiplexer/demultiplexer (21, 25) so that both of said cordless handset transceiver and said wireless network adapter transmit and receive data within a common wireless frequency spectrum (see col. 4, lines 5-12 and col. 5, lines 2-25).

Here, although Carey teaches that the mobile device is configured to transmit/receive high speed data through a display/keypad or external port (see col. 10, lines 53-61) and is silent with a computer, it is noted that combining a wireless phone system with a computer is well known in the art as disclosed by **Flint** (see Fig. 4). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide the above teaching **Flint** to **Carey** for integrating a computer

circuit to the mobile set in Carey as well, for utilizing advantage of a computer circuit such as large key boards or graphic user interface (GUI) capability for phone features.

Regarding claim **2**, the claim is rejected for the same reason as set forth in claim 1 above. In addition, **Carey,** in view of **Flint,** would teach the cordless handset transceiver comprises a further configuration for coupling to a central processing unit, audio processing circuitry and power supply within a computing device shared with said wireless network adapter (see **Flint**, Fig. 4), noting that a power supply would be an inherent feature for the integrated mobile device, in order to provide power to function the device.

Regarding claim **3**, the claim is rejected for the same reason as set forth in claim 1 above. In addition, as admitted by Applicant in Fig. 2 as prior art, it would have been obvious to one skilled in the art at the time the invention was made to select the 2.4 GHz or ISM frequency spectrum as a common frequency spectrum for the integrated mobile device, for utilizing advantages of the unlicensed spectrum in most countries including the US.

Regarding claim **4**, the claim is interpreted and rejected for the same reason as set forth in claim 2 above.

Regarding claims **5-6**, the claims are interpreted and rejected for the same reason as set forth in claim 1 above. In addition, it would have been obvious to one skilled in the art at the time the invention was made to modify **Carey** so that the cordless handset transceiver and the wireless network adapter would transmit and receive data in different frequency spectrum, for further reducing signal interferences.

Regarding claim **7**, the claim is interpreted and rejected for the same reason as set forth in claims 2, 6 above. In addition, **Carey,** in view of **Flint,** would teach said wireless network adapter and said cordless handset circuit share common information transceiving circuitry with one another in a single personal computer device (see Flint, Fig. 4).

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. **Any response to this final action should be mailed to:**

Box A.F.

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(571) 273-8300 (for **formal** communications intended for entry)

(571)-273-7893 (for informal or **draft** communications).

Hand-delivered responses should be brought to Customer Service Window, Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

Any inquiry concerning this communication or communications from the examiner should be directed to Duc M. Nguyen whose telephone number is (571) 272-7893, Monday-Thursday (9:00 AM - 5:00 PM).

Or to Matthew Anderson (Supervisor) whose telephone number is (571) 272-4177.

Duc M. Nguyen, P.E.
Nov 16, 2006